

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2701 - SB 2745

March 11, 2022

SUMMARY OF BILL: Requires a defendant to receive a bail hearing to address any conditions of release within 48 of arrest or being held to answer for a bailable offense, unless the defendant waives the right to a hearing. Specifies that a defendant may be admitted to bail on any day and at any time.

Requires, on or before March 1 of each year the clerk for each court of record with criminal jurisdiction to provide the Administrative Office of the Courts (AOC) a list of professional bondsmen or other sureties approved and qualified as solvent to write bail by those courts within the county. Requires each clerk to notify the AOC of any change to the list within two business days of the change. Requires the AOC to post the list on its website and update the website with any changes.

Adds new requirements regarding a change in bail and conditions of release. Establishes new requirements regarding continuing education for professional bail agents, including requiring any person seeking to attend a continuing education class to submit to a criminal history background check.

Requires the Tennessee Bureau of Investigation (TBI) and the Tennessee Association of Professional Bail Agents (TAPBA) to create practices and procedures that allow for TAPBA to receive, review, interpret, and store the results of the criminal background checks.

FISCAL IMPACT:

Increase State Revenue - \$41,100/FY22-23 and Subsequent Years/TBI

**Increase State Expenditures - \$5,600/FY22-23 and Subsequent Years/
General Fund
\$25,600/F22-23 and Subsequent Years/TBI**

Assumptions:

- Based on information provided by the AOC and the Court Clerks Association, any fiscal impact to state or local courts is estimated to be not significant.

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- The AOC will realize a recurring increase in state expenditures of \$5,600 in FY22-23 and subsequent years to help manage, update, and publish the list of professional bondsmen and other sureties.
- It is assumed that the TBI will conduct the required criminal background checks for professional bail agents.
- Based on information provided by TAPBA, the current number of active professional bail agents in Tennessee is approximately 1,300.
- According to TAPBA, each one of those agents has completed the required course offered by the association within the last twelve months. Because of this participation, it is assumed a high percentage of these agents will submit to the annual criminal history background check required by the proposed legislation in order to continue to lawfully practice.
- The precise percentage of these agents that will submit to the background check is unknown, but is assumed to be 90 percent, or 1,170 agents (1,300 x 90%).
- The TBI charges \$35.15 per criminal history background check.
- Therefore, a recurring increase in revenue to the TBI estimated to be estimated to be \$41,126 (1,170 agents x \$35.15) in FY22-23 and subsequent years.
- From the \$35.15, the TBI pays the Federal Bureau of Investigation (FBI) \$13.25 and the fingerprint vendor \$8.65. As such, the total expenditure to the TBI for each background check conducted is \$21.90 (\$13.25 + \$8.65)
- Therefore, a recurring increase in state expenditures to the TBI estimated to be \$25,623 (21.90 x 1,170 checks) in FY22-23 and subsequent years.
- It is assumed the TBI can collaborate with TAPBA on practices and procedures for criminal background checks utilizing existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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